

CITY OF FRESNO
DEVELOPMENT DEPARTMENT

Policies & Procedures

ZONING REVIEW OF BUSINESS TAX CERTIFICATES

ISSUE NO. 7

TITLE: BINGO PERMITS

DATE: MARCH 28, 1996

STATEMENT:

With this issue, the Department establishes the criteria by which Bingo games will be evaluated as a use. The determination as to the extent of the use, and type of review conducted is necessary for the zoning review of applications for a business permit.

REFERENCES:

Fresno Municipal Code:

The Zoning Ordinance is silent with respect to the establishment of Bingo games, halls, or parlors, as a use.

Article 10 of Chapter 8 (Morals and Conduct), set forth the rules and regulations governing Bingo. See page three of this issue for definitions contained in Section 8-1002.

Development Department Policy:

A formal written policy has not been published to date. The Department now formalizes such a policy to better utilize our resources and provide a consistent application of these standards.

Since the Zoning Ordinance does not have any definitions related to Bingo, staff will use the definitions from Chapter 8 (FMC) to assist in applying the standards of this issue.

Conducting Bingo games for profit, or as a primary use, is a form of gambling, which is not permitted except as a fund raiser for non-profit or charitable organizations, such as schools, churches, and fraternal organizations, where they are viewed as a function of that permitted use.

PROCEDURES:

The need for this policy arises from the requirement for a zoning evaluation of permit applications sent to this Department by the Business Tax Section for Bingo operations.

In cooperation between Departments, the following discussion will establish a consistent review and evaluation of these requests; whether or not, and how, they are permitted in the zone district in which they are located.

Upon receipt from the Business Tax Section, the analyst will review Bingo permits and act according to the answers of the following questions concerning the Bingo permit application.

The Zoning Ordinance does not have any definitions related to Bingo. For the purposes of applying the standards of this issue, staff will use the above definitions from Chapter 8 (FMC).

THE REVIEW OF BINGO PERMITS SHALL BE COMPLETED WITHIN TWO WORKING DAYS AFTER RECEIPT.

Answer the following questions gleaned from the information on the application form for a business permit:

1. Is this application by a non-profit or charitable organization?
2. Is there a correlation between the applicant and the property on which the bingo games are being held?
3. Is there a facility on the subject site that will accommodate patrons and is there available parking for the bingo games?
4. Is the primary use where the Bingo games are being conducted permitted in the zone district of the subject site?
5. If the above questions are all answered yes, APPROVE the permit application.
6. If the primary use is not allowed in the zone district of the site, but this is a renewal of a previously approved bingo permit, consider the use as nonconforming, and APPROVE the permit.
7. If the primary use requires a CUP, but there is no record of a CUP, consider the use and the bingo games as nonconforming and APPROVE the permit.
8. If there is evidence that the bingo operation is NOT being conducted by a non-profit or charitable organization, DENY the permit.

If there is any question as to the validity of the application, or if some of the facts just don't jibe, ask your peers or supervisor or call the applicant.

USE COMMON SENSE!!!

When you complete the review and either approve or deny the application, return the permit application to Vicki Bixler.

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Fresno Municipal Code References

ARTICLE 10, SECTION 8-1002 defines:

(a) "Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random, and shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes.

(b) Repealed.

(c) "Controller," "Police Chief," "Director of the Development Department," or "Fire Chief" means the Controller, Police Chief, director of the Development Department or fire Chief of the City of Fresno or their respective authorized agents.

(d) "Nonprofit Organization" means any tax-exempt organization or senior citizens' organization as such terms are defined in this section.

(e) "Senior Citizen" means any person of age 60 or older or any person age 50 or older who no longer engages in full-time employment.

(f) "Senior citizens' Organization" means any organization meeting the following criteria:

(1) **Purpose.** The purpose of the organization is to improve the social, recreational, economic, medical and/or housing conditions of senior citizens.

(2) **Membership.** The membership in the organization shall be limited to senior citizens and their spouses.

(3) **Formal Organization.** The organization shall have a duly adopted constitution or bylaws stating the purpose of the organization and the qualifications of membership and provided for the election of officers.

(g) "Tax-exempt Organizations" means any organization exempted from payment of bank or corporation taxes... such as fraternal beneficiary societies, orders for organizations, religious, charitable, scientific, testing for public safety, literary, educational, certain humanitarian corporations and organizations to foster national or international amateur sports competition, civic leagues, social welfare and employees' organizations, domestic fraternal societies, orders or associations...and an labor organization exempted from the payment of bank or corporations taxes of the california revenue and Taxation Code.

(h) "Special Fund or Account" means a separate fund or account of a financial institution identified on the permittee's application, and which shall be used exclusively in the manner allowed by Section 8-1020, except that if a permittee's gross receipts do not exceed two thousand dollars (\$2,000.00) in any month, the special fund account may consist of a separate general ledger account.

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STATEMENT: History of Changes

Date of Revision	Changes To	Comment
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